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Message Text

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73
ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-10 AGR-10 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-02 COME-00 DODE-00

DOTE-00 EB-07 EPA-04 ERDA-07 FMC-02 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02

OES-06 OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15 USIA-15

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TO SECSTATE WASHDC 7092

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FROM LOS DEL

E.O. 11652: N/A
TAGS: PLOS
SUBJECT: COMMITTEE II INFORMAL MEETING, A.M., APRIL 22, 1976

1. MORNING SESSION DEVOTED ENTIRELY TO DISCUSSION OF ARTICLE 109, (ACCESS TO SEA AND TRANSIT BY LAND-LOCKED STATES) WHICH WAS COMPLETED. SWITZERLAND PROPOSED FOLLOWING REVISION, SUPPORTED BY BOLIVIA, BELGIUM, HUNGARY, CHAD, POLAND, UGANDA, BYELORUSSIA, NIGERIA, CZECHOSLOVAKIA, FINLAND, GDR, MONGOLIA, USSR, BOTSWANA, BULGARIA, SINGAPORE, PARAGUAY, NEPAL AND ARGENTINA:

QTE 1. LAND-LOCKED STATES SHALL HAVE THE RIGHT OF ACCESS TO AND FROM THE SEA FOR THE PURPOSE OF EXERCISING THE RIGHTS PROVIDED FOR IN THE PRESENT CONVENTION, PARTICULARLY THOSE RELATING TO THE FREEDOMS OF THE SEA AND THE PRINCIPLE OF THE COMMON HERITAGE OF MANKIND. TO THIS END, LAND-LOCKED STATES SHALL HAVE THE RIGHT OF FREE TRANSIT THROUGH
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THE TERRITORIES OF TRANSIT STATES BY THE MEANS OF TRANSPORT

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PROVIDED FOR IN ARTICLE 108.

2. THE TERMS AND CONDITIONS FOR EXERCISING THIS RIGHT
SHALL BE AGREED BETWEEN THE LAND-LOCKED STATES AND
THE TRANSIT STATES CONCERNED THROUGH BILATERAL OR MULTI-
LATERAL AGREEMENTS, IN ACCORDANCE WITH THE PROVISIONS OF THE
PRESENT CONVENTION.

3. THE PROVISIONS OF THIS PART SHALL NOT PREVENT THE APPLI-
CATION OF THE RESTRICTIONS AND CONTROLS DERIVING FROM NATIONAL
REGULATIONS AND BASED ON CONSIDERATIONS OF PUBLIC MORALITY,
PUBLIC SECURITY, HYGIENE OR PUBLIC HEALTH OR ON CONSIDERATIONS
OF ANIMAL OR PLANT HEALTH, OR THE COLLECTION OF THE SUMS
PAYABLE UNDER SUCH REGULATIONS. UNQTE

2. IRAN COUNTERED BY PROPOSING THAT PRINCIPLE OF RECIPROCITY
(FREE TRANSIT OF LAND-LOCKED STATES BY COASTAL STATES) BE
ADDED TO 109-2. SUPPORTED BY BRAZIL, SUDAN, SOMALIA,
PAKISTAN, THAILAND, ROMANIA, LIBYA, INDIA, ITALY, PERU,
KENYA, NIGERIA, IVORY COAST AND SRI LANKA.

3. ZAMBIA PROPOSED ADDING WORD "FREE"BEFORE "ACCESS" IN
FIRST LINE, AND PROPOSED THAT TRANSIT SHOULD APPLY TO ALL
MEANS OF TRANSPORTATION AND COMMUNICATIONS. SUPPORTED BY
LESOTHO, CHAD, LAOS, UGANDA, NIGER, SWAZILAND, AND SINGAPORE.

4. AFGHANISTAN PROPOSED ADDING FOLLOWING TO 109-2:
QTE HOWEVER, ABSENCE OF SUCH AGREEMENT OR AGREEMENTS SHALL
NOT BE INVOKED BY A TRANSIT STATE TO DENY THE LAND-LOCKED
STATE THE RIGHT OF FREE ACCESS TO AND FROM THE SEA AND
THE RIGHT OF FREE TRANSIT THROUGH THE TERRITORY OF THE
TRANSIT STATE AS PROVIDED FOR IN PARAGRAPH 1. UNQTE ALSO
PROPOSED ADDING WORD QTE INDISPENSABLE UNQTE BEFORE QTE MEASURES
UNQTE IN 109-3, AND ADDING FOLLOWING SENTENCE TO 109-3: QTE
THIS PROVISION SHALL NOT PREJUDICE TERRITORIAL DISPUTES
BETWEEN THE STATES CONCERNED. UNQTE FINALLY PROPOSED ADDING
NEW 109-4: "MEASURES PROVIDED FOR IN PARAGRAPH 3 OF THIS ARTICLE
SHALL NOT INCLUDE THE BLOCKADE OF ROUTES OF ACCESS OF LAND-
LOCKED STATES TO AND FROM THE SEA, WHICH CONSTITUTE AN ACT
CONTRARY TO INTERNATIONAL LAW. UNQTE SUPPORTED BY LAOS,
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UGANDA, NIGER, SWAZILAND, CZECHSLOVAKIA, BOLIVIA, MONGOLIA,
JAMAICA, USSR, BOTSWANA, MALI, SINGAPORE, PARAGUAY
AND NEPAL.

5. FRG, SUPPORTED BY YUGOSLAVIA AND ITALY, PROPOSED APPLYING
PRINCIPLE OF RECIPROCITY TO SPECIAL CASES WHERE LAND-LOCKED
STATES SURROUNDED BY COASTAL STATES FACING DIFFERENT
COASTS, SO AS TO GIVE THOSE COASTAL STATES ACCESS TO MORE

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